

REMARKS

In the Office Action, claims 2, 6, 8, 14, 15, 20-22 and 24 were objected to, and claims 1, 3-5, 7, 9-13, 16-19, 23, 25 and 26 were rejected. Applicants thank the Examiner for indicating the allowability of claims 2, 6, 8, 14, 15, 20-22 and 24 if rewritten in independent form including all the limitations of the base claim and any intervening claims. The language of allowable dependent claim 2 has been incorporated into independent claim 1; the language of original independent claim 1 has been incorporated into directly dependent claim 8; and the language of allowable claim 24 has been incorporated into independent claim 23. Accordingly, claims 1-8, 23 and 25-26 stand in condition for allowance.

By this Reply and Amendment, claims 1, 8, 14, 15, 17 and 23 have been amended, claims 2, 12, 13, 22 and 24 have been canceled without prejudice, and claims 1, 3-11, 14-21, 23 and 25-26 remain pending in the present application. All claim amendments are fully supported throughout the written description and figures of the specification.

In the Office Action, claim 14 was objected to based on an informality concerning a typographical error. Accordingly, claim 14 has been amended according to the Examiner's suggestion and the objection should no longer be applicable.

In the Office Action, claims 1, 3-5, 7, 9-13, 16-19, 23, 25 and 26 were rejected under 35 USC 102(b) as anticipated by the Snider reference, US Patent No.: 5,000,264. Although Applicants disagree with this rejection, the subject claims have been amended to facilitate prosecution and allowance of the present application.

The Snider reference discloses a method and apparatus for introducing treatment fluid into a subterranean formation. According to the disclosure, a tubing string 18 is located within a casing 10 and has a lower portion comprising a jet pump assembly 20. During production, power fluid is pumped down through the annulus between tubing string 18 and casing 10 and is caused to enter a tubing bypass 26 in which a reverse flow jet pump is located. The resulting upward flow of power fluid causes upwardly flowing formation fluid to mix with the power fluid

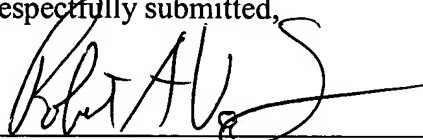
at the bypass. The formation fluid is forced to enter the bypass by a plug 29. However, when it is desired to introduce a treatment fluid into the surrounding formation, the plug 29 is removed and the inlet and outlet of bypass 26 are blocked. Treatment fluid is then flowed down through the tubing string and out through casing perforations 16. (See column 2, line 57, through column 3, line 16). However, the Snider reference description does not disclose or suggest various aspects of the pending claims.

As discussed above, independent claim 1 has been amended to incorporate the language of allowable claim 2; allowable dependent claim 8 has been placed into independent form by incorporating the language of original claim 1 from which it directly depends; and independent claim 23 has been amended by incorporating the language of allowable claim 24. Additionally, independent claim 9 has been amended to include elements reciting actuating the diverter valve and producing fluid through the tubing with "a submersible pump powered by a motor," elements not disclosed or suggested in the cited reference. Furthermore, independent claim 17 has been amended to incorporate the language of original dependent claim 22, indicated as allowable. Accordingly, independent claim 17 recites elements not disclosed or suggested by the Snider reference, such as the bypass conduit comprising "a tube extending from the diverter valve to a position past an opposite end of the completion." It should be noted that the language of intervening claim 20 was not added to independent claim 17, however amended claim 17 is believed patentably distinguishable over the cited reference. Accordingly, independent claims 1, 9, 17 and 23 are believed to be in condition for allowance.

Claims 3-5, 7, 10, 11, 16, 18, 19, 25 and 26 ultimately depend from one of the independent claims discussed above. Accordingly, these dependent claims are patentable over the cited reference for the reasons provided with respect to the corresponding independent claims, as well as for the unique subject matter found in each dependent claim.

In view of the foregoing remarks, the pending claims are believed patentable over the cited references. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert A. Van Someren', written over a horizontal line.

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Robert A. Van Someren
Reg. No. 36,038
PO Box 2107
Cypress, TX 77410-2107
Voice: (281) 373-4369